

NOTICE OF A REGULAR MEETING BONDURANT CITY COUNCIL

November 15, 2010

Meeting 10-23

NOTICE IS HEREBY GIVEN that a Regular Meeting of the City Council will be held at 6:00 p.m., on Monday, November 15, 2010, in the Bondurant City Center, 200 Second Street, Northeast, Bondurant, Polk County, Iowa. Said meeting is open and the public is encouraged to attend.

AGENDA

- 1) Roll Call and Declaring a Quorum
- 2) Call to Order
- 3) Pledge of Allegiance
- 4) Abstentions declared
- 5) Perfecting and Approval of the Agenda
- 6) Guests Present
- 7) Consent Items:
 - a) Approval of the City Council Minutes of November 01, 2010
 - b) Receive and File – Planning and Zoning Commission Minutes of September 23, 2010
 - c) Receive and File – Library Board of Trustees Minutes of October 7, 2010
 - d) Claims Report
 - e) Tax Abatement Applications – Nicole Gazzo, 3309 Maple Drive, Southwest; and David Hehr, 129 Mallard Pointe Drive, Northwest, Bondurant, Polk County, Iowa
- 8) Polk County Sheriff's Report
- 9) Jenny Blankenship, Public Financial Management, Financial Capital / Borrowing Presentation
- 10) **PUBLIC HEARING** – For consideration of approving an Application for Voluntary Annexation to the City of Bondurant, Polk County, Iowa
 - RESOLUTION NO. 10-158** – A Resolution approving an Application for Voluntary Annexation to the City of Bondurant, Polk County, Iowa, for Morgan Estates Plat 2, located on the west side of Northeast Morgan Drive, Bondurant, Iowa
- 11) Mike Harmeyer – Presentation of the Preliminary Plat and Final Plat for Morgan Estates Plat 2, located on the west side of Northeast Morgan Drive, Bondurant, Iowa
 - RESOLUTION NO. 10-159** – A Resolution approving the Preliminary Plat for Morgan Estates Plat 2, located on the west side of Northeast Morgan Drive, Bondurant, Iowa
- 12) **RESOLUTION NO. 10-160** – A Resolution approving the Final Plat for Morgan Estates Plat 2, located on the west side of Northeast Morgan Drive, Bondurant, Iowa
- 13) **RESOLUTION NO. 10-161** – deleted from the Agenda
- 14) **RESOLUTION NO. 10-162** – A Resolution approving the renewal application for a Class C Liquor License (LC) Commercial, Outdoor Service and Sunday Sales permit for Cory's Irish Pub, 110 1st Street, Southeast, Bondurant, Polk County, Iowa

- 15) **RESOLUTION NO. 10-163** – A Resolution approving the Contractor's Application for Payment No. 4 submitted by Elder Corporation in the amount of \$62,545.98 pertaining to the Multi-Use Trail
- 16) **RESOLUTION NO. 10-164** – A Resolution approving the Agreement between the City of Bondurant, Iowa, and S.C. Stoner Construction Corporation, to allow the City to deduct the cost, plus interest of installing street lighting in Meadow Brook Plat 18 from any payments potentially owed S.C. Stoner Construction Corporation in the future, pursuant to the August 25, 2008, Development Agreement
- 17) **RESOLUTION NO. 10-165** – A Resolution approving the chassis specifications pertaining to the purchase of a new City plow truck
- 18) **ORDINANCE NO. 10-214** – An Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 135, Section 135.10, pertaining to Maintenance of Parking or Terrace (3rd reading)
- 19) Discussion item(s)
 - a) Clement Estates drainage
 - b) Polk County Sheriff's Department contract
 - c) Sewer backflow installation / partial rebate to homeowners
 - d) Polito lease default
 - e) Lake Petocka ownership status
 - f) Sidewalk Project
- 20) Reports / Comments and appropriate action thereon:
 - a) Mayor
 - b) City Administrator
 - c) Council Members
 - d) City Attorney
- 21) **Closed Session** – Pursuant to Iowa Code Section 21.5(j) to discuss the purchase of particular real estate
- 22) Adjournment

BONDURANT CITY COUNCIL REGULAR MEETING

November 15, 2010

Meeting No. 10-23

A regular meeting of the City Council of the City of Bondurant, Polk County, Iowa, was held in the Community Room at the Bondurant City Center on the 15th day of November, 2010, at 6:00 p.m.

Present: Mayor Keith Ryan
Council Member Mike Adams, Sr.
Council Member Eric Boatwright
Council Member Amy Bogaards
Council Member Jerry Fischer
Council Member Curt Sullivan
City Administrator Mark Arentsen
City Attorney David Brick
Deputy City Clerk Michelle Wells

Absent: None

Notice of the meeting was posted at the Bondurant City Center, Casey's General Stores, Legacy Bank and the United States Post Office on November 12, 2010. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Roll Call was taken and a quorum was declared. Mayor Ryan called the meeting to order at 6:00 p.m.

Jacob Wallace, Boy Scout Troop 10, led the Mayor, Council Members and guests in the Pledge of Allegiance.

City Administrator Arentsen asked that item 19d be deleted from the agenda. Motion made by Council Member Adams, seconded by Council Member Bogaards, to approve the agenda as amended. Roll Call: Adams-Yes, Bogaards-Yes, Boatwright-Yes, Fischer-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bogaards, to approve the Consent Items consisting of the City Council Minutes of November 01, 2010, Planning and Zoning Commission Minutes of September 23, 2010, Library Board of Trustees Minutes of October 07, 2010, the Claims Report and Tax Abatement Applications for Nicole Gazzo, 3309 Maple Drive, Southwest; and David Hehr, 129 Mallard Pointe Drive, Northwest, Bondurant, Polk County, Iowa. Roll Call: Adams-Yes, Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Polk County Sheriff's Department representatives Lieutenant Scott Redlinger and Deputy Stephanie Pederson were present but had nothing to report.

Jenny Blankenship, Public Financial Management, presented the City's Financial and Capital Cashflow Analysis and answered questions from the Mayor and Council.

Motion made by Council Member Boatwright, seconded by Council Member Adams, to close the regular City Council meeting at 6:20 p.m., and open the Public Hearing for consideration of approving an Application for Voluntary Annexation to the City of Bondurant, submitted by Mike Harmeyer, Morgan Estates Plat 2. Roll Call: Boatwright-Yes, Adams-Yes, Bogaards-Yes, Fischer-Yes, Sullivan-Yes. Motion carried. Brian Poffenberger, 8886 Northeast Morgan Drive, voiced his concerns of approving the annexation request for the following reasons: more lots would be gained under City Code, resulting in financial gain for the developer; the development would qualify for City tax abatement; the lack of fire hydrants; the development would connect to rural water and septic tanks; and he thought there would be additional street maintenance for the City. Motion made by Council Member Adams, seconded by Council Member Bogaards, to close the Public Hearing at 6:31 p.m., and open the regular City Council meeting. Roll Call: Adams-Yes, Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried. Motion made by Council Member Adams, seconded by Council Member Boatwright, to approve Resolution No. 10-158, a Resolution approving the Application for Voluntary Annexation to the City of Bondurant, Polk County, Iowa, for Morgan Estates Plat 2, located on the west side of Northeast Morgan Drive, Bondurant, Polk County, Iowa. Roll Call: Adams-Yes, Boatwright-Yes, Bogaards-Yes, Fischer-Yes, Sullivan-Yes. Motion carried.

Mike Harmeyer, Morgan Estates, presented the Preliminary and Final Plat for Morgan Estates Plat 2 and answered questions from the Mayor and Council. Motion made by Council Member Adams, seconded by Council Member Sullivan, to approve Resolution No. 10-159, a Resolution approving the Preliminary Plat for Morgan Estates Plat 2, located on the west side of Northeast Morgan Drive, Bondurant, Iowa. Roll Call: Adams-Yes, Sullivan-No, Boatwright-No, Fischer-No, Bogaards-No. Motion failed.

Motion made by Council Member Adams, seconded by Council Member Bogaards, to table Resolution No. 10-160, a Resolution approving the Final Plat for Morgan Estates Plat 2, until the comments offered by the City Engineer are resolved. Roll Call: Adams-Yes, Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bogaards, to approve Resolution No. 10-162, a Resolution approving the renewal application for a Class C Liquor License (LC) Commercial, Outdoor Service and Sunday Sales permit for Cory's Irish Pub, 110 1st Street, Southeast, Bondurant, Polk County, Iowa. Roll Call: Adams-Yes, Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Boatwright, to approve Resolution No. 10-163, a Resolution approving the Contractor's Application for Payment No. 4 submitted by Elder Corporation in the amount of \$62,545.98 pertaining to the Multi-Use Trail. Roll Call: Adams-Yes, Boatwright-Yes, Bogaards-Yes, Fischer-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bogaards, to approve Resolution No. 10-164, a Resolution approving the Agreement between the City of Bondurant, Iowa, and S.C. Stoner Construction Corporation, to allow the City to deduct the cost, plus interest, of installing street lighting in Meadow Brook Plat 18 from any payments potentially owed S.C. Stoner Construction Corporation in the future, pursuant to the August 25, 2008, Development Agreement. Roll Call: Adams-Yes, Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Bogaards, seconded by Council Member Fischer, to approve Resolution No. 10-165, a Resolution approving the chassis specifications pertaining to the purchase of a new City plow truck. Roll Call: Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes, Adams-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bogaards, to approve the third and final reading of Ordinance No. 10-214, an Ordinance amending the Code of Ordinances of the City of Bondurant, Iowa, 2002, by amending Chapter 135, Section 135.10, pertaining to Maintenance of Parking or Terrace. Roll Call: Adams-Yes, Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Discussion items included Clement Estates drainage issue; Polk County Sheriff's Department contract; sewer backflow installation / partial rebate to homeowners; Lake Petocka ownership status and the Sidewalk Project.

The following item(s) were discussed as part of Mayor Ryan's comments:

- Has the title for the new Emergency Services Chief's vehicle given to the City by Polk County.

The following item(s) were discussed as part of City Administrator Arentsen's comments:

- Multi-Use Trail update.
- Cemetery Project update.
- Christmas tree lighting ceremony will be December 4.
- Mud Creek Bike Path Project update.
- Receiving calls pertaining to potential residential development.

The following item(s) were discussed as part of Council Member's comments:

- Council Member Boatwright – Hedges on the Bill Barnes' property are blocking the view at 2nd Street, Northeast, small stop signs should be installed for commercial and public property along the Multi-Use Trail, and asked if the attached lean-to at Cory's Irish Pub meets the City's Fire Code and was there a building permit issued for said lean-to.
- Council Member Bogaards – No Comment.
- Council Member Adams – Asked about the status of the new high school crossing on Grant Street, North, and the missing required screening for the BIG, LLC property.

- Council Member Sullivan – No Comment.
- Council Member Fischer – No Comment.

Mayor Ryan announced a recess at 7:55 p.m.

Motion made by Council Member Adams, seconded by Council Member Bogaards, to close the regular City Council meeting at 8:05 p.m., and go into Closed Session, pursuant to Iowa Code Section 21.5(j) to discuss the purchase of particular real estate. Roll Call: Adams-Yes, Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried. Motion made by Council Member Adams, seconded by Council Member Bogaards, to close the Closed Session at 8:15 p.m., and open the regular City Council Meeting. Roll Call: Adams-Yes, Bogaards-Yes, Fischer-Yes, Boatwright-Yes, Sullivan-Yes. Motion carried.

Motion made by Council Member Adams, seconded by Council Member Bogaards, to adjourn said meeting at 8:20 p.m. Roll Call: Ayes: 5. Nays: 0. Motion carried.

Keith Ryan, Mayor

ATTEST:

Michelle Wells, Deputy City Clerk

SEAL

I, the understated Deputy City Clerk of the City of Bondurant, Polk County, Iowa, hereby certify that the foregoing is a true and accurate copy of proceedings had and done by the Mayor and City Council on November 15, 2010, that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the Office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting, and the said minutes from which the foregoing proceedings have been extracted were written from and available for public inspection within ten business days and prior to the next convened meeting of said body.

Michelle Wells, Deputy City Clerk